

FILED  
CLERK'S OFFICE  
UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

MASSACHUSETTS DEVELOPMENT :  
FINANCE AGENCY :  
Plaintiff :

v. :

ADP MARSHALL, INC., a FLUOR DANIEL :  
COMPANY and FIREMAN'S FUND :  
INSURANCE COMPANY :  
Defendants :

v. :

ALLIED CONSULTING ENGINEERING :  
SERVICES, INC., ANDOVER CONTROLS :  
CORPORATION, R&R WINDOW :  
CONTRACTORS, INC., and DELTA :  
KEYSPAN, INC. n/k/a DELTA :  
KEYSPAN, LLC, MADDISON :  
ASSOCIATES, INC., UNITED STATES :  
FIDELITY AND GUARANTY COMPANY :  
FIDELITY AND DEPOSIT OF MARYLAND :  
NATIONAL GRANGE MUTUAL :  
INSURANCE COMPANY, TRAVELERS :  
CASUALTY AND SURETY COMPANY OF :  
AMERICA, AMERICAN HOME :  
ASSURANCE COMPANY, HARTFORD :  
ROOFING COMPANY, INC. and :  
SPAGNOLO/GISNESS & ASSOCIATES, :  
INC. :

Third-Party Defendants :

2005 JAN 21 P 2:48

U.S. DISTRICT COURT  
DISTRICT OF MASS.

C.A. NO. 04-CV-10203 PBS

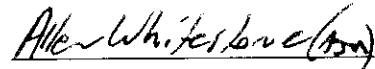
THIRD-PARTY DEFENDANT DELTA KEYSpan, INC.'S OPPOSITION TO  
MOTION FOR SUMMARY JUDGMENT OF DEFENDANT/THIRD-PARTY  
PLAINTIFF ADP MARSHALL, INC.

Third-Party Defendant Delta Keyspan, Inc., n/k/a Delta Keyspan, LLC.  
("Delta") herein opposes the Motion for Summary Judgment filed by  
Defendant/Third-Party Plaintiff ADP Marshall, Inc. ("Marshall").

As grounds therefore, Delta relies on its Memorandum of Law, Affidavit of Raymond Keough, and Delta's Motion to Strike Certain Portions of and Exhibits to the Affidavit of Tom Hughes filed herewith.

DELTA KEYSpan, INC., N/K/A  
DELTA KEYSpan, LLC,

By Its Attorneys,

A handwritten signature in cursive script, appearing to read "Allen Whitestone", is written over a horizontal line.

Allen Whitestone, Esq.

(BBO #526200)

Black, Cetkovic & Whitestone

200 Berkeley Street, 14<sup>th</sup> Floor

Boston MA 02116

Tel. (617) 236-1900

Fax (617) 536-2387

CERTIFICATION

I hereby certify that I have mailed a copy of the within first class mail, postage prepaid on 2/17 day of January, 2005 to the following:

Edward F. Vena, Esq.  
Vena, Riley, Deptula, LLP  
250 Summers Street, 2<sup>nd</sup> Floor  
Boston, MA 02210

Andrew J. Tine, Esq.  
Haese, LLC  
70 Franklin Street, 9<sup>th</sup> Floor  
Boston, MA 02110

Jay S. Gregory, Esq.  
Warren D. Hutchison, Esq.  
Donovan Hatem LLP  
Two Seaport Lane  
Boston, MA 02210

John J. McNamara, Esq.  
Eric Howard, Esq.  
Domestico, Lane & McNamara, LLP  
161 Worcester Road  
Framingham, MA 01701

James J. Duane, III, Esq.  
Edward Coburn, Esq.  
Taylor, Duane, Barton & Gilman, LLP  
111 Devonshire Street  
Boston, MA 02109

Robert R. Pierce, Esq.  
James F. Kavanaugh, Esq.  
Pierce & Mandell, PC  
11 Beacon Street  
Boston, MA 02108

John H. Bruno, Esq.  
Masi & Bruno  
124 Long Pond Road  
Plymouth, MA 02360

Alan Whitestone, Esq.  
Black, Cetkovic & Whitestone  
200 Berkeley Street  
Boston, MA 02116

Eric H. Loeffler, Esq.

Cetrulo & Capone, LLP  
Two Seaport Lane, 10<sup>th</sup> Floor  
Boston, MA 02210

\_\_\_\_\_

# 2486921\_v1